

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS.

Claims 1-11 are pending. Claims 1, 3 and 4 are independent. Claim 2 has been cancelled and claims 1, 3 and 4 are hereby amended. No new matter has been introduced by this amendment.

It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-11 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,561,466 to Kiriya (hereinafter, merely "Kiriya") in view of Applicants' Admitted Prior Art, (hereinafter, merely "AAPA").

Amended claim 1 recites, *inter alia*:

"A data multiplexer...comprising:

a second calculating means for calculating a data occupancy rate of a virtual data buffer of said separator,

wherein said multiplexing means determines an order in which said plurality of bit streams are multiplexed on the basis of the data occupancy rate of said virtual data buffer calculated by said second calculating means” (Emphasis added)

As understood by Applicants, Kiriya relates to data multiplexing an original video signal and an original audio signal into a cell multiplexed video and audio signal, such as a sequence of asynchronous transfer mode (ATM) cells, and to data demultiplexing the cell multiplexed video and audio signal into the original video signal and the original audio signal.

Applicants respectfully submit that Kiriya fails to teach or suggest the above-identified features of claim 1. Specifically, there is no teaching or suggestion of a data multiplexer comprising a second calculating means for calculating a data occupancy rate of a virtual data buffer of said separator, wherein said multiplexing means determines an order in which said plurality of bit streams are multiplexed on the basis of the data occupancy rate of said virtual data buffer calculated by said second calculating means, as recited in independent claim 1.

Kiriya merely discloses a buffer memory and not a second calculating means for calculating a data occupancy rate of a “virtual data buffer” of the separator as claimed in the instant invention. According to the instant invention, it is possible to reduce the amount of calculation for simulation of data occupancy rate of a virtual data buffer in the T-STD model, and to thereby readily generate a multiplexed transport stream conforming to the ISO/IEC13818-1 requirements.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 3 and 4 are also believed to be patentable.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION


In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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